

# Exhibit E

# GIBSON, DUNN & CRUTCHER LLP

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January 31, 2007

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VIA EMAIL

Phyllis M. Parker, Esq.  
Berger & Montague, P.C.  
1622 Locust Street  
Philadelphia, Pennsylvania 19103-6305

Re: *In re Veeco Instruments Inc. Sec. Litig., 05 MD 1695 (CM)(GAY)*

Dear Phyllis:

We are going around in circles on scheduling. To put it charitably, your insistence on rejecting every date we propose is counterproductive. Nothing in the Federal Rules gives you the right to depose witnesses on exactly the days that you choose, and in exactly the order you choose, without regard to the witnesses' availability or opposing counsel's schedules (including meeting with the witnesses in advance of their depositions)

**REDACTED**

**REDACTED**

GIBSON, DUNN & CRUTCHER LLP

Phyllis M. Parker, Esq.

January 31, 2007

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proposed. Given the number of lawyers working on this case, I'm confident that you can find someone to cover these depositions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ross Wallin". The signature is fluid and cursive, with the first name "Ross" and last name "Wallin" clearly distinguishable.

Ross Wallin

cc: Robert I. Harwood, Esq.  
John A. Herfort, Esq.  
Robert F. Serio, Esq.